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An Offer of Standpoint to Social Work, Ethics and Law

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Abstract

As I prepared to design and write a third Year University course for social workers, an open campus course for sociologists entitled *Social Work Law and Ethics* for the University of the West Indies, and materials for other social scientists on the issue of law and ethics in social work, I realised that the primary issue was one of a dilemma or contradicting forces that needed to be reconciled. How was I going to answer their main questions: What do I do? And whose side should I be on? (Becker 1967; Leibling 2001). And What if there is no compelling answer be able to refute their default position of “anything goes”? (Feyerabend, 1975). I had an idea that in the same way that I taught my research students to anchor the production of knowledge in a feminist standpoint methodology, this might just work for other social science practitioners, such as educators, criminal justice workers and philosophical inquirers. This paper outlines a re-conjuration of the concept of standpoint and how it can be used to assist and ground applying ethics and the engagement with law in the theorising of ethics in professional practice.

Keywords: ethics, feminist, law, justice

Utilisation of the Feminist Concept of Standpoint

The paper argues that the standpoint concept is important to social practitioners because it provides three important similarities and clarifications of issues relationships with clients, with the law and lawyers and within professional ethical considerations, because:

1. It exposes hierarchic relationships;
2. It refutes the belief that rapport is possible as only to gain richer data and having no emotional attachment; and
3. It problemises the issue of equality in relationships.

The methodology of the paper is to broaden the utilisation of the feminist concept of standpoint and so it is laid out under four main topics, where standpoint is used to *read*, *write*, allow *choice* and enable the *application* of ethical direction for social practitioners be they social workers, educators, psychologists, health or criminal justice and other wider ranging professionals, social practitioners and philosophers.

Reading Ethics

For my purposes here, ethics is grounded in the acknowledgement that specialised skills and knowledge must be governed by rules particularly when these skills, knowledge are used in the service of the public. My goal here is not to provide readings on ethics though I am hoping that there is an awareness of the literature and tenets of Kant on moral law and universalism of absolutes; Bentham on utilitarianism and consequence or Aristotle (384–322 BCE) on virtue ethics, a moral law where actions are right if you ask the right questions and you answer to a *higher calling* of being a virtuoso person. Social Justice is the preoccupation here and I rely on Miller (1946) who distinguished between conservative and ideal justice. He identifies three types of need: Instrumental – authorised to do something; Functional – task performance; Intrinsic – shower and clothing.

However Raphael (2001, p. 185) points out the challenge of the conflict between each of the three needs argues that “. . . to desert is incompatible . . . to need”. Herein is my dilemma or obligation hierarchy and part of my process of decision making. Do I expound to the students that approaches to ethics i.e. *principle-based ethic* (deontological utilitarian and person-based ethics) or my own stance of *virtue ethics* where I am in the company of Elizabeth Anscombe, referred in McBeath and Webb (2002, pp. 1020–1022); or the ethics of care where according to Gilligan (1982) women seek compromise and resist blaming but prefer an approach to competitiveness that seeks a result where everyone gets something. We can read ethics, for example Johns (2016) provides some excellent guidance to social workers reading ethics. However, I want to advocate more than just reading about ethics but employing ethics in order to read. Applying ethics to what we read to give each competing discourse, and here I am referring to the Foucauldian nature of discourse (Foucault, 1975, pp. 76) defined as . . . where each stands is given the chance to make their argument. Is this not what all scientists yearn to achieve? Our readings then and the way we read must be broad and guided by ethics that is “hallowed” in the sense of Luther the theologian, not that I want to argue for ethics to be likened to God or be a god, only to make the point that it be valued above its own end. Therefore, I urge my students, as I urge you, to read ethically for this is in itself a response to being ethical and that law is one other discourse that is to be opened to influence and be critiqued in all its variations.

The law

Law as applied to in social work and many other social sciences and professional service types of vocations: education, health care, voluntary and criminal justice, to use some in which I have worked in, rely on the law to be told what to do. For example, the contract; job description; work based policies; and codes of conduct are all laws and *mores* that are amongst the plethora available. Like my students these professional classes wish for me to be didactic and provide assent to them to go forth and obey. However, the law simply sets ontological and epistemological boundaries within which we/they as practitioners must decide the best course of action. (And here I underline it involves choice which I return to later when I unpack my notion and use of standpoint.)

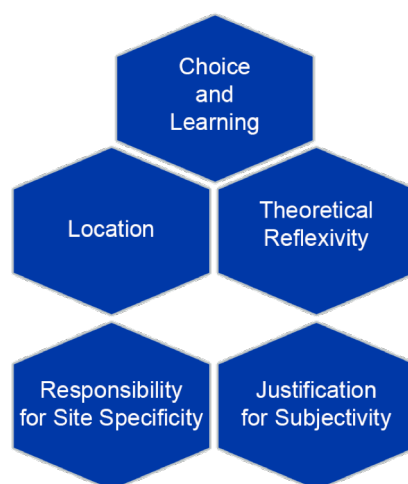
Reflecting on ethical theory and theories of social justice as well as complexities of culture and diversity of jurisprudence, the law is totally contextual. In the British context there are a host of directives that a budding professional can be referred to: Professional Capability Frameworks; National Occupational Standards (social work and others); National College of Social Workers; The Quality Assurance Agency Subject benchmarking Standards for, in this case, Social Works (QAA, 2008), are just few examples. These provide the moral concepts of rights, responsibilities, freedom, authority and power inherent in the practices of social worker as moral and statutory agents. Yet these need to be drafted, critiqued, applied or adhered to; and what direction do I offer? It is standpoint.

Standpoint

On the concept of standpoint I thought it would help if I offered a little commentary to assist you through the maze to a place of clarity on the subject. In this paper I will address the following issues:

1. Provide the basic theoretical background of the concept,
2. Outline the five elements of standpoint,
3. Address the main critiques of the concept from other theoretical perspectives, and
4. Provide an example of how you can formulate your own example of a standpoint.

Standpoint



What is a Theoretical Standpoint?

As a social worker you are required to demonstrate the variety of roles and skills needed for professional leadership, these roles and skills revolve around four categories of activity: assessment and analysis, coalition building, advocacy, and empowerment. The programmes, professions and practices you deliver as well as examining laws and policies within the framework of a discipline, in this case social work, attempt to provide you with some theoretical grounding to act as an anchor; not only to examine law but useful in each of the four activities you are called to perform. It is the theoretical grounding, I am offering called standpoint which borrows from three core social science disciplines; feminist, economics and psychological theorising. I wish for us to see the concept as one continuous whole to bring home the point that we concentrate from beginning to end, on the question that is standpoint. Using the elements of standpoint to provide us with topic headings our exploration of the concept is to agree meanings and capture how together they bring us closer to understanding and answering what is a theoretical standpoint, what is the theory to me? And finally, what is my standpoint? Let us start by exploring what we know intuitively.

The concept of Standpoint is derived from a sociological theorising that knowledge is specific to the *knower* (the person who knows it) and as such knowledge can be privileged (i.e. it can depend on whose says it). Feminist standpoint theory is mostly associated with Dorothy Smith an American sociologist:

The term “feminist standpoint theory” was actually not coined by Dorothy Smith writes Marshall 2013. Rather, feminist standpoint theory (and hence “standpoint theory”) is traced to Sandra Harding (1986) who, based on her reading of the work of feminist theorists – most important, Dorothy Smith, Nancy Hartstock (1983), and Hilary Rose – used the term to describe a feminist critique beyond the strictly empirical one of claiming a special privilege for women’s knowledge, and emphasizing that knowledge is always rooted in a particular position and that women are privileged epistemologically by being members of any oppressed group (Smith 2005; Harding 2004).

The debates and deliberations on Feminist standpoint theory are most influential in understanding the concept of standpoint as outlined above. However you do not have to adopt feminist theorising to employ standpoint nor, to use a Sandra Harding’s (2004) phrase, it is not a “god-trick” and only women can do it. If we have learned anything from feminism it is that gender which is a social construction is both male and female and that the issues involved in inequality are not antithetical or diametric but far more complex. However, this is a departure and my purposed here is not to sidetrack on to a discussion of sex or gender but to employ critical thinking. Let us now utilise and reinforce our ability to think critically about theories and concepts. Because we are moving from the known to the unknown, we will apply an element of deductive reasoning and use a primary tool that is the ability to think critically upon a concept.

Standpoint theory was initially meant to focus gender research by emphasising:

Choosing topics which are relevant or sympathetic to women;
Having a preference but not exclusive focus on qualitative research; and

Having a reflective approach, particularly to issues of power and control and according to Lorraine Gelsthorpe (1990) a proponent of standpoint, having a concern to record the subjective experiences of doing research.

Early researchers such as Ann Oakley (1981) and Janet Finch (1984) who attempted to adopt standpoint style research respectively found that when as women interviewing other women, the rapport between them improved and their data collection was enriched when they had a conversation rather than a hierarchal top-down question and answer session with no emotional interaction.

Patricia Hill-Collins (1990) also found when doing research with ethnic minorities that the question of equality arose as a result of viewing her own ethnicity and that of the people she interviewed, not as a weakness but as strength. Her standpoint allowed her to affirm her relationship with those she interviewed, rather than viewing it as biasing the data she produced. Equalisation of the researcher with the research came out of a perceived, in common relationship, that is the race and ethnic background between her and the people she interviewed. Her standpoint enriched the data to the extent that not employing the standpoint concept would have rendered the data useless in contributing to the scientific understanding, because her standpoint explained why someone else doing the interviews may not necessarily have been able to produce the same richness of data.

I can attest to a similar finding in my own research with prisoners and ex-prisoners, where it was in building a relationship with them that I was then able to gain their confidence and produce data that no amount of questioning would reveal. (The epilogue chapter in my book on Imprisonment in Trinidad and Tobago discusses this issue [Hagley-Dickinson, 2011]).

The standpoint concept is important to working in a professional capacity where there is a relationship that can be described as one that has the role of a professional/expert to client/beneficiary of a service. It includes all areas of working where such relationship exists. The example here is social work practice because it provides three important similarities and clarifications of issues within social workers' relationships with their clients.

1. It exposes hierarchic relationships;
2. It refutes the belief that rapport is possible as only to gain richer data and having no emotional attachment; and
3. It problemises the issue of equality in relationships.

The issue of acknowledging the researcher as part of the research process runs contrary to the positivist science approach to research that stipulates that the researcher must always be objective in the construction of knowledge and fuels the debate between the natural science approach of "value free" and the social science approach of "value laden knowledge". Value free knowledge or an empiricist view is the assumption that data can be produced consistently and without any bias. However, non-empiricists recognise that all relationships between human beings are inherently biased (i.e. value laden) and therefore produce value laden knowledge. The solution is to include or account for the bias as part of the research process and the research data. It is in the answer to this debate on subjectivity between the two broad camps (natural *vs.* social sciences) that standpoint offers and includes the concept of theoretical reflexivity which we come to later as a solution to applying ethics. This is not to deny bias but to incorporate it in explaining how knowledge/data is produced. Hence

location or defining proximity, an element of standpoint, later elaborated upon here, becomes so important to developing and defining standpoint.

That said, we are faced with answering the question: What is standpoint? The answer is: It is the situational production of knowledge. It critiques the empiricist claim that knowledge is objective and can be objectively produced. Instead, standpoint theorists like Harstock (1983), Maureen Cain (1979) and bell hooks (2000) argue that women's knowledge, and indeed the knowledge of the oppressed is a privileged epistemological position from which to view the world and produce knowledge. (Please note that epistemology means the way we know or the mode of how knowledge is produced.) It is from such a location that a real critique can be made of powerful groups and institutions. These theorists, amongst others not only argue that all knowledge is biased but also that the knowledge of the person who the information is derived from must be acknowledged or privileged is the term used. For example, it is in privileging women's perspective in the world of work that the whole issue of equal pay for equal work becomes visible for other working groups in society, and it is not just a woman's issue.

To develop a standpoint it needs to include five characteristics:

1. Choice and the experience/learning to make that choice;
2. Location – which comprises geography, time, space and what in sociology is referred to as The historical setting. These all combine to be labelled *situational knowledge*;
3. Responsibility for site specificity;
4. A critique of the objectivity in science or justification for subjectivity; and
5. Theoretical reflexivity; i.e., objectivity or lack thereof and; is location specific and ethically responsible.

I will examine each of these elements in turn.

The first characteristic of standpoint is Choice learning: You must choose whose side you are on and this is in of itself a conflict with others and hence an ethical question. Levin & Milgrom (2004) suggest choice theory as rational and economical. Cain (1979) states that your choice is in relation to others and is of necessity privileging one focus above others. She implies that this is the view of groups rather than of individuals. Your choice is theoretical and will therefore impact your search for and the way you gather knowledge. For us in this context, it is what we choose to read and how widely we read around the subject of the law and ethics as referred to earlier (p. 2). Your choice or the process of choosing is also political in that it requires you to identify and defend your position. Both Sandra Harding (2004) and Donna Haraway (1989) support the view that choice is a freedom that must be learnt, rather than in her words “a god trick” meaning that you cannot just be born with it or divinely given it. By choosing a standpoint you are in fact, limiting your focus, so rather than being subjective, we are situational specific in our knowledge field. The argument is that this does not narrow our focus but more so makes our knowledge more detailed and precise. Hence we are warned by Harding (2004) and Haraway (1989) that this intimacy within a specific focus carries a responsibility for what we learn and how we see. We will soon come on to discuss this sub-concept of standpoint which embodies this responsibility know as an “*epistemic responsibility*”, in item four below. What we take forward is that ethical knowledge and its application depends on choice and that choice dependents on our learning both to choose and how much knowledge we avail ourselves in arriving at a decision.

The second characteristic of standpoint is Location: Location... location... location – your physical geographic, time and space location is only part of your theoretical location. When we refer to location in standpoint we are also communicating our group identity, our socio-political and historical environment. We are describing from what vantage point we see the world and we are giving precedent to that partiality. It is this political and partial location that is called “situational knowledge” and there are activities I can suggest that will allow you to work out your own in a set out step-by-step process which I then set for my students. Hence arriving at our standpoint location allows some clarity on our ethical position which can spell out either an advantage or disadvantage of an area of work by our standpoint location. The advantage is knowing and the disadvantage apportions choice and influences decision making.

The third characteristic of standpoint is that of Specificity and Responsibility: The argument put forward for the standpoint concept values the specific focused view of the world. The fact that it is partial knowledge according to Hill-Collins (1990) is not an imposed limitation or flaw rather it is a freedom to be embraced not denied for it allows the knowledge to be produced to be specific to the person producing it. Validity of the data is not in the consistency of producing the knowledge but in the specificity of the location and the who, when and how that knowledge is produced.

Furthermore, as I have already introduced you to “*epistemic responsibility*” a concept coined by Code (1987). *Epistemic responsibility* is a moral and professional responsibility to your standpoint – both in the choice of a position and the persons and or subjects of the standpoint. This knowledge and acceptance of our *specificity and responsibility* empowers our ethical positioning to amplify the value of ethical considerations and transforms ethical rules and norms into inert reasoning and action rather than just adherence to laws and regulations.

The fourth characteristic of standpoint is that it represents a critique of the notion of objective science. One of the strongest objections to the concept of standpoint is that it is not and cannot produce objective science. In response to this critique Harding (2004) has cast rebuttal that includes the element of “location now called situational knowledge” of standpoint and offers up the counter argument that the engagement with knowledge is an active process of learning and responding to that learning and it is not simply passive. It cannot, as the natural scientists argue, be objective because “science” in quotations is in and of itself extra-terrestrial and so objective. In other words objectivity cannot be assumed in the scientific method – the method must outline how objectivity is derived. Standpoint does this by outlining it as situational knowledge. Standpoint then is the method for deriving the application of ethics professionally, prescribed and ascribed.

The fifth and final characteristic of standpoint is theoretical reflexivity: As alluded to earlier, it is the glue that fixes all the other characteristics of standpoint (choice, location, responsibility, objectivity) and is another excellent rebuttal to criticisms against standpoint. Theoretical reflexivity is being able to verify or triangulate the knowledge you produce with any group that resembles the group or identity of your standpoint.

Cain (1979) spells out theoretical reflexivity as a practical test, of your standpoint. She further suggests that testing should not be a one off occurrence but a process of maintaining an “organic alliance”. The organic alliance requires continuous interaction within the grouping of the standpoint you have chosen.

To use an aspect of my standpoint which I share with students as an example, is that (“doing well” is equal to getting an education, a good job, being a good person, doing a good job). This resonates with many of them whom I would imagine may be amongst the first or second in their generation to have a university degree, a profession, in their family. These reverberations with groups of students in my class speak to my standpoint that mainly first and some second generation members of families who are the first to go to university are often drawn to professions that involve the professional/client relationships and there might be constant testing of privileging professional discourse over client privileging. There is also the conflict of ethics and struggle to choose ethics that is self-directed or ethics that is best for the client to be helped. If my standpoint of a first in my family to get to university does not resonate with others with this similarity, then my standpoint has failed the test of *theoretical reflexivity* – the group on whose behalf I claim to produce and analyse knowledge – and is not reflective of the Caribbean woman from a Marxian sense working class family whose ambitions are located in being a professional and doing good and having and possessing sound ethical values. This intimacy of knowing needs to be maintained in an ongoing relationship with persons and groups of people who share those characteristics and hence many of my organic relationships are made within these specificities regardless to their site-specificity be it students, professional or clients.

Another example, maybe a European identity, is part of your situational knowledge but your organic alliance maybe with Syrian refugees, because this is the group you have chosen to produce knowledge on their behalf. Therefore, Cain (1979) suggests that you must be involved with the Syrian community through a club or community group of Syrians to allow you to be connected to what being Syrian and a refugee in Britain is all about. Your interaction or organic alliance is then of itself your theoretical reflexivity because it provides markers to test the objectivity of the knowledge you produce and in this case allows your ethics to be boarded by organic understanding of what that needs to be.

A word of caution: If you are not already aware, knowledge is power. Your professional knowing must be tempered, hence the need for ethics.

Application of Standpoint Ethics

As a social worker, a social justice practitioner of any kind, your knowledge of how to help a client assumes that you know what is best for them. Knowing what is best generally may not allow for a person’s human rights, for example to choose to be homeless. Generally our professional ethics allows us to have clear guidance on how far we can go in privileging our profession’s opinion in relation to an individual’s right. The detail of which has been our major focus throughout this paper, and the standpoint concept should allow you to be able to differentiate between your knowledge and that of your clients.

Armed with these characteristics of standpoint and the language to articulate ethics from a position of standpoint, we now have a formula for assessing and attaining the “good” of any Ethical Code. There is also a way of rationalising the intersectionality of law that is prescriptive and ethics that is choice to argue for ethical Codes enshrined by law but also ethics that is active and organic. Because we have made ethical choices to what and how we read and our writing then reflects a hosts of arguments, alongside our standpoint that allows us the method to arrive at an ethical stance. Our actions in practice are also affected. As Experts/Practitioners, our knowledge of how to help a client assumes that you know what is best for them. However, knowing what is best generally may not allow for a person’s human

rights, for example to choose to be homeless as was our example above. Generally our professional ethics allows us to have clear guidance on how far we can go in privileging our profession's opinion in relation to an individual's right. The standpoint concept outlined here should enable us to be able to differentiate between our knowledge and that of our clients. We can both satisfy and require any obligation to a hierarchy if one does or should exist. I advocate for and will always argue for law and ethics, not for the law to attest blame or to judge ethics but ensure we act ethically, it should be in the very nature of us – an Aristotle virtue – where those of us in the business of training practitioners and future professionals to apply ethics that is on the actions of ourselves and others and not ethics of people justice which should be left to the law to police. Our standpoints recognised and developed become both the tool to measure and the ethical position on which we understand and apply ethics.

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